| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/274,157 | 03/22/99 | MCVEIGH J | 42390.P7111 |

WM02/0911

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| | EXAMINER |
|---|---|
| | LEE, R |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2613 | |

DATE MAILED:

09/11/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

PTO-90C (Rev.11/00)

1- File Copy

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-19* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved  b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *3, 10*

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

1.      The drawings are objected to because elements 702, 704, 706 of Figure 7; element 1407

of Figure 13; and elements 120, 1508, 1510, and 1512 of Figure 14 have not been identified in the

Specification.  Correction is required.

2.      Claim 16 is objected to because of the following informalities: At claim 16, line 3,

"unidirectioanlly" should be changed to "unidirectionally" for correct spelling.  Appropriate

correction is required.

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4.      Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ju (5,801,778).

Ju discloses a video encoding with multi-stage projection motion estimation as shown in

Figures 1-5, and the same storage medium comprising a plurality of executable instructions, and

method and apparatus as claimed in claims 1-19 for performing motion estimation comprising the

same receiving a stream of data comprising one or more bidirectionally interpolated frames and a

plurality of anchor frames (see column 2, lines 18-50); unidirectionally predicting content of each

B-frame from a temporally closest anchor frame, wherein the content of the B-frames is

unidirectionally predicted form the content of the temporally closest anchor frame and one or

more motion vectors, wherein the one or more motion vectors represent an activity measure of

the temporally closest anchor frame, wherein the motion vector is determined by a sum of

absolute differences in activity within the temporally closest anchor frame, wherein the temporally

closest anchor frame selected to unidirectionally predict the content of the B-frame may either

precede or supersede the B-frame, wherein the plurality of anchor frames and B-frames contain

progressive video content and contain interlaced video content, and the motion estimation circuit

generates a motion vector based at least in part on the selected anchor frame (see column 2, lines

30-38; columns 3-4).

5.      The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    Shen et al discloses a method and apparatus for modifying encoded digital video for

improved channel utilization.

6.      **Any response to this action should be mailed to:**


        Commissioner of Patents and Trademarks

        Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

7.      Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Richard Lee whose telephone number is (703) 308-6612.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group customer service whose telephone number is (703) 306-0377.
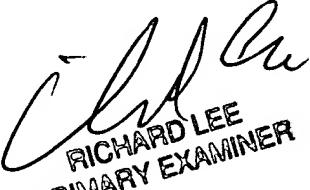
RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

9/7/01